

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE CHANDRASHEKARAIH

WRIT PETITION NO. 28127/1995

Between:

M/s. Prashanth
Associates, a regi-
stered Trust,
No.52/1 and 52/2, Vinay
Complex, Vani Vilas
Road, Bangalore-560004.

Represented herein by
its Trustee Sri K.S.Partha-
sathy, major.

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..Petitioner

(M/s. Kumar & Kumar)

And:

1. Administrator,
Corporation City
Bangalore, Corporation
Offices, N.R.Square,
Bangalore-2.

2. Asst. Executive Engineer,
Shankarpuram Sub-Division
Bangalore City Corporation,
Bangalore-560 004.

..Respondents

(Sri Muniyappa, Advocate)

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Writ petition is filed under Articles 226
and 227 of the Constitution of India praying

quash the notice/order dated 21.7.1995 issued by R.2 vide Annexur-E.

This petition coming up for final disposal on this day, the Court made the following:

ORDER

The petitioner appears to have constructed the building deviating from the approved plan. In respect of this deviation the petitioner filed an application to the Corporation to regularise the said construction. It is submitted that the Corporation has regularised the said unauthorised construction. This fact is not disputed by the Corporation. It is submitted by the counsel for the Corporation that as the petitioner has not paid the penalty imposed while regularising the unauthorised construction, the Corporation has issued the notice as per Annexure-E. Counsel for the petitioner submitted that if the Corporation were to issue notice indicating the penalty levied the same will be paid immediately thereafter. In the said view of the matter, I direct the Corporation to issue notice indicating the

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on receipt of the said notice ✓

penalty payable by the petitioner and the
petitioner is directed to pay the penalty within
one month from the date of the receipt of the
said notice from the Corporation. If the
petitioner fails to pay the amount within
the time stipulated above to the Corporation
after the receipt of the notice demanding
payment of penalty, the Corporation is at
liberty to take appropriate action in
accordance with law.

With these observations this writ
petition is disposed of.

Sd/-
JUDGE

G/150698

